

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

PHARMACIA CORPORATION N/K/A  
PFIZER INC.,

Plaintiff,

v.

ARCH SPECIALTY INSURANCE COMPANY,  
TWIN CITY FIRE INSURANCE COMPANY, and  
LIBERTY MUTUAL INSURANCE COMPANY.

Defendants.

Civil Action No. 2:18-cv-00510-ES-  
MAH

**ORDER GRANTING JOINT  
MOTION TO SEAL MOTIONS  
AND OPPOSITIONS FOR  
SUMMARY JUDGMENT  
PURSUANT TO L. CIV. R. 5.3(c)  
AND TO FILE REDACTED  
VERSIONS FOR PUBLIC ACCESS**

This matter is before the Court on the consent Motion of Plaintiff Pharmacia Corporation n/k/a Pfizer Inc. ("Pharmacia") for an Order pursuant to Local Civil Rule 5.3 sealing: (a) the Brief in Support filed by Twin City Fire Insurance Company and Arch Specialty Insurance Company (together, "Defendants") re Motion for Summary Judgment, Statement of Local Rule 56.1, and attached Exhibits DX01, 15, 24 – 29, DX31, and DX38 - 44 (Dkts. #88, #88-1, and #88-4 – #88-7); (b) the Brief in Support filed by Pharmacia re Motion for Summary Judgment, Statement of Undisputed Material Facts, and attached Exhibits PX04, 11, 13, 15, 29-30, 32, 34 and 36 (Dkt. #91, #91-1, #91-3, #91-7, and #91-9 – #91-11); (c) the Brief in Opposition re Motion for Summary Judgment, filed by Twin City and Arch (Dkt. # 99); and (d) the Brief in Opposition re Motion for Summary Judgment and Response to Defendants' Statement of Local Rule 56.1, filed by Pharmacia (Dkt. #101, #101-2), and permitting public versions of the Brief in Support re Defendants' Motion for Summary Judgment and Statement of Local Rule 56.1 (Dkt. #88 and #88-1); the Opposition to Pharmacia's Motion for Summary Judgment (#102); the Brief in Support filed by Pharmacia re Motion for Summary Judgment and Statement of

Undisputed Material Facts (Dkt. #91 and #91-1); and Pharmacia's the Opposition to Defendants' Motion for Summary Judgment, and associated documents (Dkt. #103) for public access, and whereas the Court finds that:

a) the nature of the material at issues is what Pharmacia maintains to be confidential and sensitive information regarding Pharmacia's business and settlement agreements;

b) the nature of the material at issue is what Defendant Arch maintains to be confidential and sensitive information regarding Arch's business and underwriting process;

c) there are legitimate private interests at stake which warrant the sealing request, namely, Pharmacia's interest in its business practices and settlement agreements and Arch's interest in its business practices and underwriting process;

d) if the requested relief is not granted, Pharmacia maintains that it would suffer injury in the form of potentially being prejudiced in its business interests and ability to procure insurance;

e) if the requested relief is not granted, Arch maintains that it would suffer injury in the form of potentially being prejudiced in its business interests and ability to underwrite insurance products;

f) no less restrictive alternative to the requested relief is available because Pharmacia maintains that any filing available on the public docket that discloses the information at issue will jeopardize its ability to operate as a business going forward and its ability to obtain insurance;

g) no less restrictive alternative to the requested relief is available because Arch maintains that any filing available on the public docket that discloses the information at issue

will jeopardize its ability to operate as a business going forward and its ability to underwrite and issue insurance policies;

h) the Clerk of Court temporarily sealed the aforementioned documents on June 28, 2019 and August 14, 2019;

i) the Parties know of no party or nonparty who objects or intends to object to the sealing request; and the Court, having considered the moving papers and for good cause shown;

It is on this 4<sup>th</sup> day of November, 2019:

**ORDERED** that the Motion is **GRANTED**; and it is further;

**ORDERED** that the Brief in Support filed re Defendants' Motion for Summary Judgment, Statement of Local Rule 56.1 and attached Exhibits (Dkt. #88) is hereby sealed and restricted from public access; and it is further,

**ORDERED** that the Brief in Support filed by Pharmacia re Motion for Summary Judgment, Statement of Undisputed Material Facts, and attached Exhibits (Dkt. #91) is hereby sealed and restricted from public access; and it is further,

**ORDERED** that Defendants' Brief in Opposition filed re Pharmacia's Motion for Summary Judgment (Dkt. #99) is hereby sealed and restricted from public access; and it is further,

**ORDERED** that Pharmacia's Brief in Opposition filed re Defendants' Motion for Summary Judgment, Response to Defendants' Statement of Undisputed Material Facts, and attached Exhibits (Dkt. #101) is hereby sealed and restricted from public access; and it is further,

**ORDERED** that Defendants may file a final redacted version of their Motion for Summary Judgment, Statement of Undisputed Material Fact, and Brief in Opposition to Pharmacia's Motion for Summary Judgment (Dkt. # 102) for Public Access; and it is further,

**ORDERED** that Defendants may file Exhibits DX1, 15, 24 – 29, DX31, and DX38 - 44 (Dkts. #88, and #88-4 – #88-7) under Seal; and it is further,

**ORDERED** that Pharmacia may file a final redacted version of its Motion for Summary Judgment, Statement of Undisputed Material Fact, Brief in Opposition to Defendants' Motion for Summary Judgment and Response to Defendants' Statement of Local Rule 56.1 (Dkt. # 103) for Public Access; and it is further,

**ORDERED** that Pharmacia may file Exhibits PX04, 11, 13, 15, 29-30, 32, 34 and 36 (Dkt. #91, #91-1, #91-3, #91-7, and #91-9 – #91-11) under Seal.

  
U.S.M.J.